

AMENDED IN ASSEMBLY MARCH 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 292**

**Introduced by Assembly Member Yee**  
**(Coauthors: Assembly Members Diaz, *Lieber*, and Spitzer)**

February 6, 2003

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An act to add Section 36 to the Business and Professions Code, to add Section 21.5 to the Civil Code, to add Section 33.5 to the Code of Civil Procedure, to add Article 8 (commencing with Section 95) to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to add Section 755.6 to the Evidence Code, to add Part 8 (commencing with Section 296) to Division 2 of the Family Code, to add Section 27 to the Government Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 30 to the Labor Code, to add Section 24.5 to the Penal Code, to add Chapter 5 (commencing with Section 1070) to Part 1 of Division 3 of the Probate Code, to add Section 22 to the Unemployment Insurance Code, and to add Section 26.5 to the Welfare and Institutions Code, relating to translators and interpreters.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, Yee. Translators and interpreters: prohibition on use of children.

Existing law requires, and in some instances permits, the use of translators or interpreters by various agencies, organizations, or entities for non-English-speaking persons in connection with various functions.

This bill would provide that a state or local governmental agency, or a public or private agency, organization, entity, or program that is

supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, except as specified, and would require each agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for ~~translation~~ *provided competent interpretation services, as defined*, that does not involve the use of children.

This bill would also provide that a violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program and would establish requirements for the reinstatement of funding.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) In cases in which parents are monolingual and non-English  
4 speakers, it has become all too common for service providers to  
5 use children as translators for their parents. Nongovernmental  
6 agencies, state agencies, hospitals, clinics, and law enforcement  
7 agencies have all used children as translators, often because the use  
8 of children provides an immediate solution to communication  
9 problems with the children's non-English-speaking parents.

10 (b) Children should not be exposed to discussions and  
11 information that is often beyond their comprehension, or to  
12 discussions and information that are inappropriate for, or  
13 unseemly to, children.

14 (c) The involvement of children as translators is difficult, both  
15 for the children and for the associated adults, and may lead to an  
16 agency, organization, entity, or program being misinformed as a  
17 result of a child's ignorance or shame. The involvement of children  
18 as translators can also be traumatizing to the children.

19 (d) It is the intent of the Legislature to prohibit the use of  
20 children as translators by any state or local governmental agency,



1 or any agency, organization, entity, or program that is supported  
2 by state funding.

3 SEC. 2. Section 36 is added to the Business and Professions  
4 Code, to read:

5 36. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
6 governmental agency, or a public or private agency, organization,  
7 entity, or program that ~~is supported by state funding, shall receives~~  
8 *state funding*, may not use any child, or permit any child to be used,  
9 as a translator or interpreter in any matter involving the business  
10 or function of that agency, organization, entity, or program, and  
11 shall have in place, and available for inspection, an established  
12 procedure for ~~translation~~ *providing competent interpretation*  
13 services that does not include the use of children.

14 (b) A violation of this section by a nongovernmental public or  
15 private agency, organization, entity, or program that is supported  
16 by state funding shall result in the loss of state funding to, or the  
17 cancellation of state contracts with that agency, organization,  
18 entity, or program.

19 (c) State funding or any contract terminated pursuant to  
20 subdivision (b) shall not be reinstated until the state agency  
21 providing the state funding has determined that the agency,  
22 organization, entity, or program has done both of the following:

23 (1) Terminated the use of children as translators or interpreters.

24 (2) ~~Adopted a formal policy statement~~ *Established procedures*  
25 *to ensure* that children will not be utilized as translators or  
26 interpreters by the agency, organization, entity, or program.

27 ~~(d) This section shall not apply to situations in which a child is~~  
28 ~~used to translate matters not involving the business or function of~~  
29 ~~the agency, organization, entity, or program, and that relate only~~  
30 ~~to routine matters, such as the hours of operation of the agency,~~  
31 ~~organization, entity, or program.~~

32 (d) *The State Personnel Board may conduct investigations and*  
33 *take all reasonable actions to effectuate the purposes of this*  
34 *section with respect to state agencies.*

35 (e) *Nothing in this section shall prohibit an agency,*  
36 *organization, entity, or program from using a child to interpret in*  
37 *any of the following situations:*

38 (1) *To help determine a limited-English-proficient person's*  
39 *primary language.*

40 (2) *To help ensure the receipt of language assistance.*

1 (3) During routine and casual queries, including office hours  
2 or directions, or other matters that do not involve the actual  
3 provision of the services of the business, or the function of the  
4 agency, organization, entity, or program.

5 (4) During emergency situations affecting the immediate life,  
6 safety, health, or welfare of an individual when there are no other  
7 alternatives immediately available so long as a competent  
8 interpreter is provided as soon as possible.

9 (f) For purposes of this section:

10 (1) "Child" means a person who is under the age of 18 years.

11 (2) "Established procedure for providing competent  
12 interpretation" means the provision of an in-person interpreter or  
13 bilingual staff member; or, at a minimum, a telephonic-based  
14 interpretation service or other interpretation resources that can be  
15 easily used by staff members to communicate effectively with  
16 limited-English-proficient persons. A state agency shall include a  
17 description of these procedures in its implementation plan  
18 submitted to the State Personnel Board pursuant to Section 7299.4  
19 of the Government Code.

20 SEC. 3. Section 21.5 is added to the Civil Code, to read:

21 21.5. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
22 governmental agency, or a public or private agency, organization,  
23 entity, or program that is supported by state funding, shall receives  
24 state funding, may not use any child, or permit any child to be used,  
25 as a translator or interpreter in any matter involving the business  
26 or function of that agency, organization, entity, or program, and  
27 shall have in place, and available for inspection, an established  
28 procedure for ~~translation~~ providing competent interpretation  
29 services that does not include the use of children.

30 (b) A violation of this section by a nongovernmental public or  
31 private agency, organization, entity, or program that is supported  
32 by state funding shall result in the loss of state funding to, or the  
33 cancellation of state contracts with, that agency, organization,  
34 entity, or program.

35 (c) State funding or any contract terminated pursuant to  
36 subdivision (b) shall not be reinstated until the state agency  
37 providing that state funding has determined that the agency,  
38 organization, entity, or program has done both of the following:

39 (1) Terminated the use of children as translators or interpreters.

1     ~~Adopted a formal policy statement~~ *Established procedures*  
2     *to ensure* that children will not be utilized as translators or  
3     interpreters by the agency, organization, entity, or program.

4     ~~(d) This section shall not apply to situations in which a child is~~  
5     ~~used to translate matters not involving the business or function of~~  
6     ~~the agency, organization, entity, or program, and that relate only~~  
7     ~~to routine matters, such as the hours of operation of the agency,~~  
8     ~~organization, entity, or program.~~

9     (d) *The State Personnel Board may conduct investigations and*  
10    *take all reasonable actions to effectuate the purposes of this*  
11    *section with respect to state agencies.*

12    (e) *Nothing in this section shall prohibit an agency,*  
13    *organization, entity, or program from using a child to interpret in*  
14    *any of the following situations:*

15    (1) *To help determine a limited-English-proficient person's*  
16    *primary language.*

17    (2) *To help ensure the receipt of language assistance.*

18    (3) *During routine and casual queries, including office hours*  
19    *or directions, or other matters that do not involve the actual*  
20    *provision of the services of the business, or the function of the*  
21    *agency, organization, entity, or program.*

22    (4) *During emergency situations affecting the immediate life,*  
23    *safety, health, or welfare of an individual when there are no other*  
24    *alternatives immediately available, so long as a competent*  
25    *interpreter is provided as soon as possible.*

26    (f) *For purposes of this section:*

27    (1) *"Child" means a person who is under the age of 18 years.*

28    (2) *"Established procedure for providing competent*  
29    *interpretation" means the provision of an in-person interpreter or*  
30    *bilingual staff member, or, at a minimum, a telephonic-based*  
31    *interpretation service or other interpretation resources that can be*  
32    *easily used by staff members to communicate effectively with*  
33    *limited-English-proficient persons. A state agency shall include a*  
34    *description of these procedures in its implementation plan*  
35    *submitted to the State Personnel Board pursuant to Section 7299.4*  
36    *of the Government Code.*

37    SEC. 4. Section 33.5 is added to the Code of Civil Procedure,  
38    to read:

39    33.5. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
40    governmental agency, or a public or private agency, organization,

1 entity, or program that ~~is supported by state funding, shall~~ *receives*  
2 *state funding*, may not use any child, or permit any child to be used,  
3 as a translator or interpreter in any matter involving the business  
4 or function of that agency, organization, entity, or program, and  
5 shall have in place, and available for inspection, an established  
6 procedure for ~~translation~~ *providing competent interpretation*  
7 services that does not include the use of children.

8 (b) A violation of this section by a nongovernmental public or  
9 private agency, organization, entity, or program that is supported  
10 by state funding shall result in the loss of state funding to, or the  
11 cancellation of state contracts with, that agency, organization,  
12 entity, or program.

13 (c) State funding or any contract terminated pursuant to  
14 subdivision (b) shall not be reinstated until the state agency  
15 providing the state funding has determined that the agency,  
16 organization, entity, or program has done both of the following:

17 (1) Terminated the use of children as translators or interpreters.  
18 (2) ~~Adopted a formal policy statement~~ *Established procedures*  
19 *to ensure* that children will not be utilized as translators or  
20 interpreters by the agency, organization, entity, or program.

21 ~~(d) This section shall not apply to situations in which a child is~~  
22 ~~used to translate matters not involving the business or function of~~  
23 ~~the agency, organization, entity, or program, and that relate only~~  
24 ~~to routine matters, such as the hours of operation of the agency,~~  
25 ~~organization, entity, or program.~~

26 (d) *The State Personnel Board may conduct investigations and*  
27 *take all reasonable actions to effectuate the purposes of this*  
28 *section with respect to state agencies.*

29 (e) *Nothing in this section shall prohibit an agency,*  
30 *organization, entity, or program from using a child to interpret in*  
31 *any of the following situations:*

32 (1) *To help determine a limited-English-proficient person's*  
33 *primary language.*

34 (2) *To help ensure the receipt of language assistance.*

35 (3) *During routine and casual queries, including office hours*  
36 *or directions, or other matters that do not involve the actual*  
37 *provision of the services of the business, or the function of the*  
38 *agency, organization, entity, or program.*

39 (4) *During emergency situations affecting the immediate life,*  
40 *safety, health, or welfare of an individual when there are no other*

1 *alternatives immediately available, so long as a competent*  
2 *interpreter is provided as soon as possible.*

3 *(f) For purposes of this section:*

4 *(1) "Child" means a person who is under the age of 18 years.*

5 *(2) "Established procedure for providing competent*  
6 *interpretation" means the provision of an in-person interpreter or*  
7 *bilingual staff member; or, at a minimum, a telephonic-based*  
8 *interpretation service or other interpretation resources that can be*  
9 *easily used by staff members to communicate effectively with*  
10 *limited-English-proficient persons. A state agency shall include a*  
11 *description of these procedures in its implementation plan*  
12 *submitted to the State Personnel Board pursuant to Section 7299.4*  
13 *of the Government Code.*

14 SEC. 5. Article 8 (commencing with Section 95) is added to  
15 Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code,  
16 to read:

17  
18 Article 8. Translators and Interpreters  
19

20 95. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
21 governmental agency, or a public or private agency, organization,  
22 entity, or program that ~~is supported by state funding, shall receive~~  
23 *state funding*, may not use any child, or permit any child to be used,  
24 as a translator or interpreter in any matter involving the business  
25 or function of that agency, organization, entity, or program, and  
26 shall have in place, and available for inspection, an established  
27 procedure for ~~translation~~ *providing competent interpretation*  
28 *services that does not include the use of children.*

29 (b) A violation of this section by a nongovernmental public or  
30 private agency, organization, entity, or program that is supported  
31 by state funding shall result in the loss of state funding to, or the  
32 cancellation of state contracts with, that agency, organization,  
33 entity, or program.

34 (c) State funding or any contract terminated pursuant to  
35 subdivision (b) shall not be reinstated until the agency,  
36 organization, entity, or program has done both of the following:

37 (1) Terminated the use of children as translators or interpreters.

38 (2) ~~Adopted a formal policy statement~~ *Established procedures*  
39 *to ensure* that children will not be utilized as translators or  
40 interpreters by the agency, organization, entity, or program.



~~(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.~~

*(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.*

*(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:*

*(1) To help determine a limited-English-proficient person's primary language.*

*(2) To help ensure the receipt of language assistance.*

*(3) During routine and casual queries, including office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.*

*(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.*

*(f) For purposes of this section:*

*(1) "Child" means a person who is under the age of 18 years.*

*(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.*

SEC. 6. Section 755.6 is added to the Evidence Code, to read:

755.6. (a) Subject to subdivision ~~(d)~~ (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that ~~is supported by state funding, shall~~ receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and



1 shall have in place, and available for inspection, an established  
2 procedure for ~~translation~~ *providing competent interpretation*  
3 services that does not include the use of children.

4 (b) A violation of this section by a nongovernmental public or  
5 private agency, organization, entity, or program that is supported  
6 by state funding shall result in the loss of state funding to, or the  
7 cancellation of state contracts with, that agency, organization,  
8 entity, or program.

9 (c) State funding or any contract terminated pursuant to  
10 subdivision (b) shall not be reinstated until the state agency  
11 providing the state funding has determined that the agency,  
12 organization, entity, or program has done both of the following:

13 (1) Terminated the use of children as translators or interpreters.

14 (2) ~~Adopted a formal policy statement~~ *Established procedures*  
15 *to ensure* that children will not be utilized as translators or  
16 interpreters by the agency, organization, entity, or program.

17 ~~(d) This section shall not apply to situations in which a child is~~  
18 ~~used to translate matters not involving the business or function of~~  
19 ~~the agency, organization, entity, or program, and that relate only~~  
20 ~~to routine matters, such as the hours of operation of the agency,~~  
21 ~~organization, entity, or program.~~

22 *(d) The State Personnel Board may conduct investigations and*  
23 *take all reasonable actions to effectuate the purposes of this*  
24 *section with respect to state agencies.*

25 *(e) Nothing in this section shall prohibit an agency,*  
26 *organization, entity, or program from using a child to interpret in*  
27 *any of the following situations:*

28 *(1) To help determine a limited-English-proficient person's*  
29 *primary language.*

30 *(2) To help ensure the receipt of language assistance.*

31 *(3) During routine and casual queries, including office hours*  
32 *or directions, or other matters that do not involve the actual*  
33 *provision of the services of the business, or the function of the*  
34 *agency, organization, entity, or program.*

35 *(4) During emergency situations affecting the immediate life,*  
36 *safety, health, or welfare of an individual when there are no other*  
37 *alternatives immediately available, so long as a competent*  
38 *interpreter is provided as soon as possible.*

39 *(f) For purposes of this section:*

40 *(1) "Child" means a person who is under the age of 18 years.*

(2) “Established procedure for providing competent interpretation” means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 7. Part 8 (commencing with Section 296) is added to Division 2 of the Family Code, to read:

#### PART 8. TRANSLATORS AND INTERPRETERS

296. (a) Subject to subdivision ~~(d)~~ (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, ~~shall receives~~ state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for ~~translation~~ providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

~~Adopted a formal policy statement~~ Established procedures to ensure that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

~~(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only~~

~~to routine matters, such as the hours of operation of the agency, organization, entity, or program.~~

(d) *The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.*

(e) *Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in the following situations:*

(1) *To help determine a limited-English-proficient person's primary language.*

(2) *To help ensure the receipt of language assistance.*

(3) *During routine and casual queries, including office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.*

(4) *During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.*

(f) *For the purposes of this section:*

(1) *"Child" means a person who is under the age of 18 years.*

(2) *"Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.*

SEC. 8. Section 27 is added to the Government Code, to read:

27. (a) Subject to subdivision ~~(d)~~ (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that ~~is supported by state funding, shall~~ receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for ~~translation~~ providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) ~~Adopted a formal policy statement~~ *Established procedures to ensure* that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

~~(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.~~

*(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.*

*(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:*

*(1) To help determine a limited-English-proficient person's primary language.*

*(2) To help ensure the receipt of language assistance.*

*(3) During routine and casual queries, including office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.*

*(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.*

*(f) For the purposes of this section:*

*(1) "Child" means a person who is under the age of 18 years.*

*(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based*

*interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4.*

SEC. 9. Section 29 is added to the Health and Safety Code, to read:

29. (a) Subject to subdivision ~~(d)~~ (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that ~~is supported by state funding, shall receives state funding,~~ may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for ~~translation providing competent interpretation~~ services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.  
(2) ~~Adopted a formal policy statement~~ *Established procedures to ensure* that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

~~(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.~~

(d) *The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.*

1     ~~(e)~~ Nothing in this section shall prohibit an agency,  
2 organization, entity, or program from using a child to interpret in  
3 any of the following situations:

4     (1) To help determine a limited-English-proficient person's  
5 primary language.

6     (2) To help ensure the receipt of language assistance.

7     (3) During routine and casual queries, including office hours  
8 or directions, or other matters that do not involve the actual  
9 provision of the services of the business, or the function of the  
10 agency, organization, entity, or program.

11    (4) During emergency situations affecting the immediate life,  
12 safety, health, or welfare of an individual when there are no other  
13 alternatives immediately available, so long as a competent  
14 interpreter is provided as soon as possible.

15    (f) For purposes of this section:

16    (1) "Child" means a person who is under the age of 18 years.

17    (2) "Established procedure for providing competent  
18 interpretation" means the provision of an in-person interpreter or  
19 bilingual staff member, or, at a minimum, a telephonic-based  
20 interpretation service or other interpretation resources that can be  
21 easily used by staff members to communicate effectively with  
22 limited-English-proficient persons. A state agency shall include a  
23 description of these procedures in its implementation plan  
24 submitted to the State Personnel Board pursuant to Section 7299.4  
25 of the Government Code.

26    SEC. 10. Section 49 is added to the Insurance Code, to read:

27    49. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
28 governmental agency, or a public or private agency, organization,  
29 entity, or program that ~~is supported by state funding, shall receives~~  
30 ~~state funding~~, may not use any child, or permit any child to be used,  
31 as a translator or interpreter in any matter involving the business  
32 or function of that agency, organization, entity, or program, and  
33 shall have in place, and available for inspection, an established  
34 procedure for ~~translation~~ providing competent interpretation  
35 services that does not include the use of children.

36    (b) A violation of this section by a nongovernmental public or  
37 private agency, organization, entity, or program that is supported  
38 by state funding shall result in the loss of state funding to, or the  
39 cancellation of state contracts with, that agency, organization,  
40 entity, or program.



(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) ~~Adopted a formal policy statement~~ *Established procedures to ensure* that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

~~(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.~~

*(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.*

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member; or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient persons. A state agency shall include a description of these procedures in its implementation plan



1 *submitted to the State Personnel Board pursuant to Section 7299.4*  
2 *of the Government Code.*

3 SEC. 11. Section 30 is added to the Labor Code, to read:

4 30. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
5 governmental agency, or a public or private agency, organization,  
6 entity, or program that ~~is supported by state funding, shall receives~~  
7 *state funding, may not use any child, or permit any child to be used,*  
8 *as a translator or interpreter in any matter involving the business*  
9 *or function of that agency, organization, entity, or program, and*  
10 *shall have in place, and available for inspection, an established*  
11 *procedure for translation providing competent interpretation*  
12 *services that does not include the use of children.*

13 (b) A violation of this section by a nongovernmental public or  
14 private agency, organization, entity, or program that is supported  
15 by state funding shall result in the loss of state funding to, or the  
16 cancellation of state contracts with, that agency, organization,  
17 entity, or program.

18 (c) State funding or any contract terminated pursuant to  
19 subdivision (b) shall not be reinstated until the state agency  
20 providing the state funding has determined that the agency,  
21 organization, entity, or program has done both of the following:

22 (1) Terminated the use of children as translators or interpreters.

23 (2) ~~Adopted a formal policy statement~~ *Established procedures*  
24 *to ensure that children will not be utilized as translators or*  
25 *interpreters by the agency, organization, entity, or program.*

26 ~~(d) This section shall not apply to situations in which a child is~~  
27 ~~used to translate matters not involving the business or function of~~  
28 ~~the agency, organization, entity, or program, and that relate only~~  
29 ~~to routine matters, such as the hours of operation of the agency,~~  
30 ~~organization, entity, or program.~~

31 (d) *The State Personnel Board may conduct investigations and*  
32 *take all reasonable actions to effectuate the purposes of this*  
33 *section with respect to state agencies.*

34 (e) *Nothing in this section shall prohibit an agency,*  
35 *organization, entity, or program from using a child to interpret in*  
36 *any of the following situations:*

37 (1) *To help determine a limited-English-proficient person's*  
38 *primary language.*

39 (2) *To help ensure the receipt of language assistance.*

1 (3) *During routine and casual queries, including office hours*  
2 *or directions, or other matters that do not involve the actual*  
3 *provision of the services of the business, or the function of the*  
4 *agency, organization, entity, or program.*

5 (4) *During emergency situations affecting the immediate life,*  
6 *safety, health, or welfare of an individual when there are no other*  
7 *alternatives immediately available, so long as a competent*  
8 *interpreter is provided as soon as possible.*

9 (f) *For purposes of this section:*

10 (1) *“Child” means a person who is under the age of 18 years.*

11 (2) *“Established procedure for providing competent*  
12 *interpretation” means the provision of an in-person interpreter or*  
13 *bilingual staff member; or, at a minimum, a telephonic-based*  
14 *interpretation service or other interpretation resources that can be*  
15 *easily used by staff members to communicate effectively with*  
16 *limited-English-proficient persons. A state agency shall include a*  
17 *description of these procedures in its implementation plan*  
18 *submitted to the State Personnel Board pursuant to Section 7299.4*  
19 *of the Government Code.*

20 SEC. 12. Section 24.5 is added to the Penal Code, to read:

21 24.5. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
22 governmental agency, or a public or private agency, organization,  
23 entity, or program that ~~is supported by state funding, shall receive~~  
24 *state funding, may not use any child, or permit any child to be*  
25 *used, as a translator or interpreter in any matter involving the*  
26 *business or function of that agency, organization, entity, or*  
27 *program, and shall have in place, and available for inspection, an*  
28 *established procedure for providing competent interpretation*  
29 *services that does not include the use of children.*

30 (b) A violation of this section by a nongovernmental public or  
31 private agency, organization, entity, or program that is supported  
32 by state funding shall result in the loss of state funding to, or the  
33 cancellation of state contracts with, that agency, organization,  
34 entity, or program.

35 (c) State funding or any contract terminated pursuant to  
36 subdivision (b) shall not be reinstated until the state agency  
37 providing the state funding has determined that the agency,  
38 organization, entity, or program has done both of the following:

39 (1) Terminated the use of children as translators or interpreters.

1     ~~Adopted a formal policy statement~~ *Established procedures*  
2     *to ensure that children will not be utilized as translators or*  
3     *interpreters by the agency, organization, entity, or program.*

4     ~~(d) This section shall not apply to situations in which a child is~~  
5     ~~used to translate matters not involving the business or function of~~  
6     ~~the agency, organization, entity, or program, and that relate only~~  
7     ~~to routine matters, such as the hours of operation of the agency,~~  
8     ~~organization, entity, or program.~~

9     *(d) The State Personnel Board may conduct investigations and*  
10    *take all reasonable actions to effectuate the purposes of this*  
11    *section with respect to state agencies.*

12    *(e) Nothing in this section shall prohibit an agency,*  
13    *organization, entity, or program from using a child to interpret in*  
14    *any of the following situations:*

15    *(1) To help determine a limited-English-proficient person's*  
16    *primary language.*

17    *(2) To help ensure the receipt of language assistance.*

18    *(3) During routine and casual queries, including office hours*  
19    *or directions, or other matters that do not involve the actual*  
20    *provision of the services of the business, or the function of the*  
21    *agency, organization, entity, or program.*

22    *(4) During emergency situations affecting the immediate life,*  
23    *safety, health, or welfare of an individual when there are no other*  
24    *alternatives immediately available, so long as a competent*  
25    *interpreter is provided as soon as possible.*

26    *(f) For purposes of this section:*

27    *(1) "Child" means a person who is under the age of 18 years.*

28    *(2) "Established procedure for providing competent*  
29    *interpretation" means the provision of an in-person interpreter or*  
30    *bilingual staff member, or, at a minimum, a telephonic-based*  
31    *interpretation service or other interpretation resources that can be*  
32    *easily used by staff members to communicate effectively with*  
33    *limited-English-proficient persons. A state agency shall include a*  
34    *description of these procedures in its implementation plan*  
35    *submitted to the State Personnel Board pursuant to Section 7299.4*  
36    *of the Government Code.*

37    SEC. 13. Chapter 5 (commencing with Section 1070) is added  
38    to Part 1 of Division 3 of the Probate Code, to read:  
39

CHAPTER 5. TRANSLATORS AND INTERPRETERS

1070. (a) Subject to subdivision ~~(d)~~ (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that ~~is supported by state funding~~ *shall receives state funding*, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving ~~the~~ *the* business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for ~~translation~~ *providing competent interpretation* services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

~~(2) Adopted a formal policy statement~~ *Established procedures* to ensure that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

~~(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.~~

(d) *The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.*

(e) *Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:*

(1) *To help determine a limited-English-proficient person's primary language.*

(2) *To help ensure the receipt of language assistance.*

(3) *During routine and casual queries, including office hours or directions, or other matters that do not involve the actual*

1 *provision of the services of the business, or the function of the*  
2 *agency, organization, entity, or program.*

3 *(4) During emergency situations affecting the immediate life,*  
4 *safety, health, or welfare of an individual when there are no other*  
5 *alternatives immediately available, so long as a competent*  
6 *interpreter is provided as soon as possible.*

7 *(f) For purposes of this section:*

8 *(1) "Child" means a person who is under the age of 18 years.*

9 *(2) "Established procedure for providing competent*  
10 *interpretation" means the provision of an in-person interpreter or*  
11 *bilingual staff member, or, at a minimum, a telephonic-based*  
12 *interpretation service or other interpretation resources that can be*  
13 *easily used by staff members to communicate effectively with*  
14 *limited-English-proficient persons. A state agency shall include a*  
15 *description of these procedures in its implementation plan*  
16 *submitted to the State Personnel Board pursuant to Section 7299.4*  
17 *of the Government Code.*

18 SEC. 14. Section 22 is added to the Unemployment Insurance  
19 Code, to read:

20 22. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
21 governmental agency, or a public or private agency, organization,  
22 entity, or program that ~~is supported by state funding, shall receive~~  
23 *state funding*, may not use any child, or permit any child to be used,  
24 as a translator or interpreter in any matter involving the business  
25 or function of that agency, organization, entity, or program, and  
26 shall have in place, and available for inspection, an established  
27 procedure for ~~translation~~ *providing competent interpretation*  
28 *services that does not include the use of children.*

29 (b) A violation of this section by a nongovernmental public or  
30 private agency, organization, entity, or program that is supported  
31 by state funding shall result in the loss of state funding to, or the  
32 cancellation of state contracts with, that agency, organization,  
33 entity, or program.

34 (c) State funding or any contract terminated pursuant to  
35 subdivision (b) shall not be reinstated until the state agency  
36 providing the state funding has determined that the agency,  
37 organization, entity, or program has done both of the following:

38 (1) Terminated the use of children as translators or interpreters.

1     ~~Adopted a formal policy statement~~ *Established procedures*  
2     *to ensure that children will not be utilized as translators or*  
3     *interpreters by the agency, organization, entity, or program.*

4     ~~(d) This section shall not apply to situations in which a child is~~  
5     ~~used to translate matters not involving the business or function of~~  
6     ~~the agency, organization, entity, or program, and that relate only~~  
7     ~~to routine matters, such as the hours of operation of the agency,~~  
8     ~~organization, entity, or program.~~

9     *(d) The State Personnel Board may conduct investigations and*  
10    *take all reasonable actions to effectuate the purposes of this*  
11    *section with respect to state agencies.*

12    *(e) Nothing in this section shall prohibit an agency,*  
13    *organization, entity, or program from using a child to interpret in*  
14    *any of the following situations:*

15    *(1) To help determine a limited-English-proficient person's*  
16    *primary language.*

17    *(2) To help ensure the receipt of language assistance.*

18    *(3) During routine and casual queries, including office hours*  
19    *or directions, or other matters that do not involve the actual*  
20    *provision of the services of the business, or the function of the*  
21    *agency, organization, entity, or program.*

22    *(4) During emergency situations affecting the immediate life,*  
23    *safety, health, or welfare of an individual when there are no other*  
24    *alternatives immediately available, so long as a competent*  
25    *interpreter is provided as soon as possible.*

26    *(f) For purposes of this section:*

27    *(1) "Child" means a person who is under the age of 18 years.*

28    *(2) "Established procedure for providing competent*  
29    *interpretation" means the provision of an in-person interpreter or*  
30    *bilingual staff member, or, at a minimum, a telephonic-based*  
31    *interpretation service or other interpretation resources that can be*  
32    *easily used by staff members to communicate effectively with*  
33    *limited-English-proficient persons. A state agency shall include a*  
34    *description of these procedures in its implementation plan*  
35    *submitted to the State Personnel Board pursuant to Section 7299.4*  
36    *of the Government Code.*

37    SEC. 15. Section 26.5 is added to the Welfare and Institutions  
38    Code, to read:

39    26.5. (a) Subject to subdivision ~~(d)~~ (e), a state or local  
40    governmental agency, or a public or private agency, organization,



1 entity, or program that ~~is supported by state funding, shall~~ *receives*  
2 *state funding*, may not use any child, or permit any child to be used,  
3 as a translator or interpreter in any matter involving the business  
4 or function of that agency, organization, entity, or program, and  
5 shall have in place, and available for inspection, an established  
6 procedure for ~~translation~~ *providing competent interpretation*  
7 services that does not include the use of children.

8 (b) A violation of this section by a nongovernmental public or  
9 private agency, organization, entity, or program that is supported  
10 by state funding shall result in the loss of state funding to, or the  
11 cancellation of state contracts with, that agency, organization,  
12 entity, or program.

13 (c) State funding or any contract terminated pursuant to  
14 subdivision (b) shall not be reinstated until the state agency  
15 providing the state funding has determined that the agency,  
16 organization, entity, or program has done both of the following:

17 (1) Terminated the use of children as translators or interpreters.

18 (2) ~~Adopted a formal policy statement~~ *Established procedures*  
19 *to ensure* that children will not be utilized as translators or  
20 interpreters by the agency, organization, entity, or program.

21 ~~(d) This section shall not apply to situations in which a child is~~  
22 ~~used to translate matters not involving the business or function of~~  
23 ~~the agency, organization, entity, or program, and that relate only~~  
24 ~~to routine matters, such as the hours of operation of the agency,~~  
25 ~~organization, entity, or program.~~

26 (d) *The State Personnel Board may conduct investigations and*  
27 *take all reasonable actions to effectuate the purposes of this*  
28 *section with respect to state agencies.*

29 (e) *Nothing in this section shall prohibit an agency,*  
30 *organization, entity, or program from using a child to interpret in*  
31 *the following situations:*

32 (1) *To help determine a limited-English-proficient person's*  
33 *primary language.*

34 (2) *To help ensure the receipt of language assistance.*

35 (3) *During routine and casual queries, including office hours*  
36 *or directions, or other matters that do not involve the actual*  
37 *provision of the services of the business, or the function of the*  
38 *agency, organization, entity, or program.*

39 (4) *During emergency situations affecting the immediate life,*  
40 *safety, health, or welfare of an individual when there are no other*



1 *alternatives immediately available, so long as a competent*  
2 *interpreter is provided as soon as possible.*

3 *(f) For purposes of this section:*

4 *(1) "Child" means a person who is under the age of 18 years.*

5 *(2) "Established procedure for providing competent*  
6 *interpretation" means the provision of an in-person interpreter or*  
7 *bilingual staff member; or, at a minimum, a telephonic-based*  
8 *interpretation service or other interpretation resources that can be*  
9 *easily used by staff members to communicate effectively with*  
10 *limited-English-proficient persons. A state agency shall include a*  
11 *description of these procedures in its implementation plan*  
12 *submitted to the State Personnel Board pursuant to Section 7299.4*  
13 *of the Government Code.*

